



Billing Code: 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 1710319998630-02]

RIN 0648-XG594

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic;
2018 Commercial Accountability Measure and Closure for South
Atlantic Red Snapper**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures for commercial red snapper in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects commercial landings for red snapper will reach the commercial annual catch limit (ACL) for the 2018 fishing year. Therefore, NMFS is closing the commercial sector for red snapper in the South Atlantic EEZ on November 7, 2018. This closure is necessary to protect the red snapper resource.

DATES: This rule is effective 12:01 a.m., local time, November 7, through December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727-824-5305, email: *mary.vara@noaa.gov*.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes red snapper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The 2018 commercial ACL for red snapper in the South Atlantic is 124,815 lb (56,615 kg), round weight, as specified in 50 CFR 622.193(y)(1).

Under 50 CFR 622.193(y)(1), NMFS is required to close the commercial sector for red snapper when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial ACL for South Atlantic red snapper will be reached by November 7, 2018. Accordingly, the commercial sector for South Atlantic red snapper is closed effective 12:01 a.m., local time, November 7, 2018. For the 2019

fishing year, NMFS will announce the commercial season opening date in the **Federal Register**. Unless otherwise specified, the 2019 commercial season will begin on the second Monday in July (50 CFR 622.183(b)(5)(i)). NMFS notes that the red snapper recreational sector closed for the 2018 fishing year at 12:01 a.m., local time, August 20, 2018 (83 FR 35428; July 26, 2018). Therefore, as of the commercial closure effective date, all harvest and possession red snapper in the South Atlantic EEZ will be prohibited.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having red snapper onboard must have landed and bartered, traded, or sold such red snapper prior to 12:01 a.m., local time, November 7, 2018. On and after the effective date of the closure notification, all sale or purchase of red snapper is prohibited. This prohibition on the harvest, possession, sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested or possessed, *i.e.*, in state or Federal waters (50 CFR 622.193(y)(1) and 622.181(c)(2)).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of red snapper and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(y)(1) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The NOAA Assistant Administrator for Fisheries (AA), finds that the need to immediately implement this action to close the commercial sector for red snapper constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing FMP Amendment 43, which established the commercial season and ACLs for red snapper, and the accountability measures has already been subject to notice and comment, and all that remains is to notify

the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect red snapper since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and could potentially result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d) (3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 31, 2018.

Karen H. Abrams
Acting Director,
Office of Sustainable Fisheries,
National Marine Fisheries Service.

[FR Doc. 2018-24182 Filed: 11/1/2018 4:15 pm; Publication Date: 11/5/2018]